

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY COLBURN, et al.,

Defendants.

Case No. 1:19-cr-10080-NMG

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE EVIDENCE PERTAINING TO  
DEFENDANTS WHO PLED GUILTY**

Pursuant to the Court's Scheduling Order, Defendants hereby move *in limine* to preclude the government from introducing and using at trial: (1) evidence or testimony in any form showing that individuals have pled guilty in this or a related Varsity Blues prosecution (*except* for any individuals who will be testifying at trial as cooperating witnesses for the government); and (2) out-of-court statements and related evidence pertaining to individuals who pled guilty in this or a related Varsity Blues prosecution. For the reasons set forth in the accompanying memorandum of law, Defendants respectfully request that the Court order that the government may not introduce and use at trial these two categories of evidence or testimony. Defendants reserve the right to renew this motion (or raise similar objections) as to specific evidence that the government seeks to introduce at trial.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rules 7.1(d) and 112.1, Defendants respectfully request oral argument on this motion.

Respectfully submitted,

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DATED: July 30, 2021

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*Counsel for Defendant Marci Palatella*

**LOCAL RULE 7.1 CERTIFICATION**

Undersigned counsel certifies that, on July 28, 2021, counsel for Defendant Elisabeth Kimmel conferred with counsel for the government, and the government does not assent to the Motion.

**CERTIFICATE OF SERVICE**

I, Cory S. Flashner, counsel for Defendant Elisabeth Kimmel, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF, and paper copies will be sent to those indicated as non-registered participants.

/s/ Cory S. Flashner  
Cory S. Flashner